

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 0:22-cv-61270-WPD

LISA CRICHLow HELLY, individually and
on behalf of all others similarly situated,

Plaintiff,

vs.

SHUTTERFLY LIFETOUCH, INC.,

Defendant.

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**ORDER ADOPTING AND APPROVING REPORT AND
RECOMMENDATION OF MAGISTRATE JUDGE;
GRANTING DEFENDANT'S MOTION TO COMPEL ARBITRATION**

THIS CAUSE is before the Court upon Defendant Lifetouch, Inc.'s Motion to Compel Arbitration and Dismiss/Stay Proceedings (the "Motion") [DE 9] and the December 29, 2022 Report and Recommendation of United States Magistrate Judge Patrick M. Hunt (the "Report") [DE 17]. The Court notes that no objections to the Report [DE 17] have been filed, and the time for filing such objections has passed. As no timely objections were filed, the Magistrate Judge's factual findings in the Report [DE 17] are hereby adopted and deemed incorporated into this opinion. *LoConte v. Dugger*, 847 F.2d 745, 749-50 (11th Cir. 1988), *cert. denied*, 488 U.S. 958 (1988); *RTC v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993).

Although no timely objections were filed, the Court has conducted a *de novo* review of the Report [DE 17] and record and is otherwise fully advised in the premises. The Court agrees with the Magistrate Judge's analysis and conclusions.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Report [DE 17] is hereby **ADOPTED** and **APPROVED**;
2. Defendant Lifetouch, Inc.'s Motion to Compel Arbitration and Dismiss/Stay Proceedings [DE 9] is hereby **GRANTED IN PART AND DENIED AS PART** as follows:

- a. Plaintiff is hereby **COMPELLED** to attend arbitration on an individual basis;
- b. The class allegations in Plaintiff's Complaint are hereby **STRICKEN**;
- c. This action is hereby **STAYED** pending arbitration;
- d. The Clerk is **DIRECTED** to **ADMINISTRATIVELY CLOSE** this case and **DENY AS MOOT** any pending motions.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida,
this 13th day of January, 2023.



WILLIAM P. DIMITROULEAS
United States District Judge

Copies to:
Counsel of record